

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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ANASTACIA SHAFFER, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

DIGITAL GENERATION, INC., NEIL  
NGUYEN, CRAIG HOLMES, SCOTT K.  
GINSBURG, and OMAR CHOUCAIR,

Defendants.

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Civil Action No: 3:13-cv-1684-N

Class Action

**STIPULATION OF VOLUNTARY DISMISSAL**

THE PARTIES<sup>1</sup>, BY AND THROUGH THEIR COUNSEL OF RECORD, agree as follows:

WHEREAS, the complaint in the above-captioned, putative securities class action was filed on May 2, 2013 (the “Complaint”) by counsel for Anastacia Shaffer;

WHEREAS, the Court appointed Robert M. Lowinger as Lead Plaintiff and Bernstein Liebhard LLP as Lead Counsel in this action by Order dated September 19, 2013;

WHEREAS, the Parties stipulated to a Case Management Plan and Scheduling Order (“CMO”) that was so ordered by the Court on October 25, 2013;

WHEREAS, the CMO provides that Lead Plaintiff may file an amended complaint by December 6, 2013;

WHEREAS, on November 22, 2013, Defendant Digital Generation, Inc. filed a

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<sup>1</sup> The “Parties” referenced herein are Lead Plaintiff, Robert M. Lowinger, and Defendants Digital Generation, Inc., Neil Nguyen, Craig Holmes, Scott K. Ginsburg, and Omar Choucair.

Preliminary Proxy Statement with the U.S. Securities and Exchange Commission containing information that is material to the above-captioned action.

WHEREAS, Lead Plaintiff and his counsel of record have now determined, after careful review and deliberation, to voluntarily dismiss this action;

WHEREAS, Defendants have agreed and stipulated to this dismissal, and have not filed an answer or motion for summary judgment in response to the Complaint;

WHEREAS, at present, this matter has not been certified as a class action;

WHEREAS, under Fed. R. Civ. P. 41(a)(1)(A), Lead Plaintiff is permitted to dismiss this action upon stipulation of the Parties: “Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing ... (ii) a stipulation of dismissal signed by all parties who have appeared”;

WHEREAS, neither Lead Plaintiff nor their counsel of record have received or will receive any consideration for dismissing this action from Defendants or otherwise; and

WHEREAS, because a class has not been certified, Fed. R. Civ. P. 23(e) does not apply to the dismissal of this action;

NOW THEREFORE, IT IS HEREBY STIPULATED, by and through the Parties and their respective counsel that this action shall be dismissed under the following terms and conditions:

1. The Parties agree that Lead Plaintiff shall voluntarily dismiss the claims alleged in the Complaint, under Fed. R. Civ. P. 41, and that this dismissal is without prejudice.
2. The Parties agree to bear their own costs in connection with this action.

**IT IS SO STIPULATED:**

DATED: December 6, 2013

**VINSON & ELKINS LLP**

By: /s/ John C. Wander  
John C. Wander  
Texas Bar No. 00791877  
Trammell Crow Center  
2001 Ross Avenue  
Suite 3700  
Dallas, TX 75201-2975  
Tel +1.214.220.7878  
Fax +1.214.999.7878  
jwander@velaw.com

*Attorney for Defendants Digital  
Generation, Inc., Neil Nguyen, Craig  
Holmes, and Scott Ginsburg*

**FULBRIGHT & JAWORSKI LLP**

By: /s/ Karl G. Dial  
Karl G. Dial  
Texas Bar No. 05800400  
Casey Moore  
Texas Bar No. 24055997  
Fulbright & Jaworski LLP  
2200 Ross Avenue  
Suite 2800  
Dallas, TX 75201-2784  
T:+1 214 855 8050  
F:+1 214 855 8200  
karl.dial@nortonrosefulbright.com  
casey.moore@nortonrosefulbright.com

*Attorneys for Omar Choucair*

**BERNSTEIN LIEBHARD LLP**

By: /s/ Jeffrey M. Haber  
BERNSTEIN LIEBHARD LLP  
10 East 40th Street, 22nd Floor  
New York, New York 10016  
(212) 779-1414  
(212) 779-3218 (facsimile)

*Attorneys for Lead Plaintiff and the  
Putative Class*

**KILGORE + KILGORE LLP**

By: /s/ Theodore C. Anderson III  
Theodore C. Anderson III  
Texas State Bar No. 01215700  
KILGORE + KILGORE LLP  
3109 Carlisle  
Dallas, Texas, 75204  
Telephone: (214) 969-9099  
Facsimile: (214) 953-0133

*Liaison Counsel for Lead Plaintiff*

**OF COUNSEL:**

**LATHAM & WATKINS LLP**

Kevin H. Metz  
John S. Cooper  
555 11th Street NW, Suite 1000  
Washington, D.C. 20004  
Tel: (202) 637-2200

Fax: (202) 637-2201  
kevin.metz@lw.com  
john.cooper@lw.com

Sean M. Berkowitz  
233 South Wacker Drive, Suite 5800  
Chicago, IL 60606  
Tel: (312) 876-7700  
Fax: (312) 993-9767  
sean.berkowitz@lw.com

Jeff G. Hammel  
885 Third Avenue  
New York, NY 10022-4834  
Tel: (212) 906-1200  
Fax: (212) 751-4864  
jeff.hammel@lw.com

*Attorneys for Defendants Digital  
Generation, Inc., Neil Nguyen, Craig  
Holmes, and Scott Ginsburg*